

**NURSING BOARD[655]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 4, "Discipline," Iowa Administrative Code.

These amendments change the rule related to applications for reinstatement to meet current office procedures.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 7, 2010, as **ARC 8674B**. These amendments are identical to those published under Notice.

These amendments will become effective July 7, 2010.

These amendments are intended to implement Iowa Code chapters 147, 152 and 272C.

The following amendments are adopted.

ITEM 1. Amend rule 655—4.11(17A,147,152,272C), introductory paragraph, as follows:

**655—4.11(17A,147,152,272C) Application for reinstatement.** Any person whose license to practice nursing has been suspended or revoked by order of the board or has been voluntarily surrendered may apply for reinstatement. A request for reinstatement must be accomplished in accordance with the terms and conditions specified in the board's order and filed in conformance with these rules. ~~The reinstatement request must be submitted with two sets of the fingerprint packet to facilitate a national criminal history background check, plus the fee identified in the definition of "fees" in 655—3.1(17A,147,152,272C). All fees are nonrefundable.~~

ITEM 2. Amend subrules 4.11(2) and 4.11(5) as follows:

**4.11(2)** The respondent shall initiate proceedings for licensure reinstatement by making application to the board. ~~The application shall be docketed in the original case in which the license was revoked, suspended or voluntarily surrendered and~~ shall be subject to the same rules of procedure as other contested cases before the board. The person filing the application for reinstatement shall immediately serve a copy upon the attorney for the state of Iowa and shall in the same manner serve any additional documents filed in connection with the application.

**4.11(5)** Applications not denied for failure to conform to the requirements imposed by these rules shall be set for hearing before the board. The hearing shall be a contested case hearing within the meaning of Iowa Code section 17A.12, and the order to grant or deny reinstatement shall incorporate findings of fact and conclusions of law. If reinstatement is granted, terms and conditions may be imposed. The applicant shall be provided a license reinstatement packet containing an application, a continuing education report form, fingerprint cards, and a statement of the fees as defined in rule 655—3.1(17A,147,152,272C).

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